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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,094	10/28/1999	JOHN S. YATES JR.	30585/16	5512

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EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 12/04/2001

13

Please find below and/or attached an Office communication concerning this application or proceeding.

8K

Office Action Summary

Application No.

09/429,094

Applicant(s)

YATES ET AL.

Examiner

DAVID Y. ENG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 and 54-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 and 54-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12. 6) ☐ Other:

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The Geppert et al. reference cited on a PTO-1449 filed August 23, 2001 has not been considered because it is not a valid reference for the instant application. The Geppert reference has a date later than the filing date of the instant application.

The amendments filed on August 13 and 23 2001 have been entered. The active claims are 1-57.

There is no claim 53 in the application.

Claims 1-52 and 54-57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to all independent claims, it is not seen how likelihood of the existence of an alternate coding of instructions triggers an interrupt.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-13, 19-47, 49-51, and 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morley in view of Woods.

Claims 14-18, 48 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morley and Woods further in view of Bianchi.

Details of the rejections have already been set forth in the last Office action. The details are incorporated herein by reference thereto.

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In response to the art rejection, Applicants merely describe what they want to understand of the Morley reference and refer to the portion of the Morley reference which the Examiner does not rely on for the rejection. Applicants fail to explain why the rejection and the interpretation of the references as applied in the rejections of the claims are in error. Applicants fail to identify any difference between the references and the claims and to explain how the claims are patentable over the prior art. In re Nielson, 816 F.2d 1567, 2 USPQ 1525 (Fed. Cir. 1987). The court held that simply pointing out what a claim requires with no attempt to point out how the claims patentably distinguish over the prior art does not amount to a separate argument for patentability.

With respect to claims 2 and 10, Applicants contend that the dispatch table of Morley is indexed by the value of an instruction, that is, the contents of a memory location, and not by the address of the instruction. The Examiner has read the identified excerpts. Nowhere in Morley discloses that the table is indexed by the contents of a memory location. On the contrary, Morley clearly teaches a dispatch table being indexed by addresses of instructions (see lines 43 of column 1).

With respect to the remarks directed to the Woods reference, the Woods reference is cited for the teaching of pipeline processor and not indexed table as misleadingly argued by Applicants.

With respect to Applicants' remarks directed to claim 19, merely the fact that Morley teaches an emulator is sufficient to meet the limitations of broad claim 19. See the term "jump" in line 42 and 58 of column 1 and how the dispatch table is indexed by the instruction address in lines 40-65 of column 1. Further, even the conventional interrupt in response to external events

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alone (the architectural definition --does not call for an interrupt) taught in Morley is sufficient for the rejection of broad claim 19.

As to the remarks directed to claim 14 (page 26 of the response), the Examiner has carefully studied Figure 6a and the excerpts identified by Applicants on page 21 under item B. The Examiner is unable to find disclosure of table entries describing a likelihood of the existence of an alternate coding of instructions and how the likelihood trigger an interrupt.

As to the dependent claims, the applied references teach all the limitations recited in the dependent claims. Applicants' invention is an emulator (see Applicants' response on page 10 under "Introduction"). All independent claims (see claims 30 and 19 for example) merely broadly recite an interrupt circuit. Interrupt is an inherent process of an emulator because control of the pipeline is switching between two ISAs. The dependent claims (see claim 38 for example) merely clarify that the interrupt circuit recited in independent claims is for affecting an emulation process. The Office action clearly pointed out that the Morley reference is an emulator (see item 4 on page 6 of the previous action). No patentable or other feature is seen in the dependent claims. Further, Applicants fail to explain why the features in the dependent claims are patentable with respect to the references (see In re Nielson above).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

A handwritten signature in black ink, appearing to read 'D. Eng', with a stylized, flowing script.

DAVID Y. ENG
PRIMARY EXAMINER